

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

UNITED STATES CELLULAR  
CORPORATION,

Plaintiff,

v.

HOTLINE WIRELESS & MORE, INC.

Defendant.

Case No. 1:12-cv-05017

**[PROPOSED]**  
**TEMPORARY RESTRAINING ORDER**

This cause coming to be heard on the motion of Plaintiff United States Cellular Corporation (“U.S. Cellular”), the Court having reviewed and considered U.S. Cellular’s Complaint, Motion For Temporary Restraining Order, Memorandum in Support of the Motion, and the declarations of Stephen Fitzell and Timothy Murphy, and having heard the arguments of counsel, pursuant to Federal Rules of Civil Procedure 52(a) and 65(d), it is hereby ordered as follows:

1. U.S. Cellular possesses the exclusive right to use the U.S. Cellular trademark which is registered on the principal Register of the United States Patent and Trademark Office, registration No. 2,650,943.
2. U.S. Cellular is a corporation organized and existing under the laws of the state of Delaware with its principal place of business in Chicago, IL.
3. U.S. Cellular has invested substantial time, effort, and resources in promoting and marketing its services under and in connection with its trademark. By virtue of the foregoing,

and U.S. Cellular's continuous and extensive use of its trademark in connection with its goods and services, the trademark has developed considerable customer recognition and the public has come to identify the mark with U.S. Cellular wireless service and stores. Furthermore, U.S. Cellular's trademark has acquired distinctiveness and secondary meaning and U.S. Cellular now owns considerable and valuable goodwill in the U.S. Cellular trademark.

4. Defendant Hotline Wireless is an Illinois corporation with its principal place of business at 3938 W. Roosevelt Road, Chicago, IL 60624.

5. Hotline Wireless has displayed U.S. Cellular's trademark on and near its storefront without the authority of U.S. Cellular to do so. Hotline Wireless has refused to discontinue its unauthorized use of the U.S. Cellular mark.

6. U.S. Cellular will likely succeed on the merits of its claims for trademark infringement and false designation of origin.

7. U.S. Cellular will suffer immediate and irreparable injury for which there is no adequate remedy at law unless Hotline Wireless, its officers, agents, servants, employees, attorneys, and those persons acting in concert or participation or privity with them are enjoined by the Court from further unauthorized use of U.S. Cellular's mark, in that such acts by Hotline Wireless will cause confusion about the source of its merchandise and its affiliation with U.S. Cellular and will harm the good will and reputation of U.S. Cellular.

8. The harm to U.S. Cellular if its motion is denied would far outweigh any harm to Hotline Wireless if the motion is granted, given that Hotline Wireless has no legitimate interest in the use of U.S. Cellular's trademark.

9. The public interest will be served by granting U.S. Cellular's Motion For Temporary Restraining Order.

Given the foregoing findings and conclusions, the Court determines that U.S. Cellular has satisfied all the requirements for the issuance of a temporary restraining order and HEREBY ORDERS AS FOLLOWS:

a. Hotline Wireless and its officers, agents, servants, employees, attorneys, and those persons acting in concert or participation or privity with them are hereby enjoined and restrained, for a period of ten days from the date and time hereof, from advertising, promoting, distributing, displaying, or using U.S. Cellular's trademark or confusingly similar marks or otherwise representing that they are an authorized U.S. Cellular agent or affiliated with U.S. Cellular in any way.

b. This cause is set for hearing on U.S. Cellular's request for a preliminary injunction on July \_\_\_\_, 2012.

IT IS SO ORDERED.

Dated: June \_\_\_, 2012

ENTER:

---

United States District Judge

UNITED STATES CELLULAR  
CORPORATION

Richard J. O'Brien  
Robert D. Leighton  
SIDLEY AUSTIN LLP  
One South Dearborn Street  
Chicago, Illinois 60603  
Telephone: (312) 853-7000

**CERTIFICATE OF SERVICE**

Robert D. Leighton, an attorney, hereby certifies that he effected service by placing the foregoing document with a special process server for hand delivery and mailing a copy of the same via First Class Mail to:

Hotline Wireless & More, Inc.  
c/o Amer Hijazi, Registered Agent and President  
3938 W. Roosevelt Road  
Chicago, IL 60624

On this 25<sup>th</sup> day of June, 2012.

/s/ Robert D. Leighton

---

Robert D. Leighton